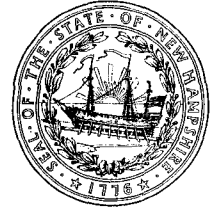




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Pet City
185 Lafayette Rd.
Seabrook, NH 03874

CERTIFIED MAIL
LETTER OF DEFICIENCY
WMB-CLP-2004-2
August 5, 2004

Dear Mr. Sadowski:

The Department of Environmental Services, Water Division ("DES") is required by RSA 487:17, II to prevent the introduction and further dispersal of exotic aquatic weeds and to manage or control exotic aquatic weed infestations in the surface waters of the state. Specifically, RSA 487:16-a (enacted January 1, 1998) states that "*No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state.*" To implement this program, DES has adopted administrative rules Env-Ws 1303 that identify the fourteen prohibited exotic aquatic plants in New Hampshire.

On August 3, 2004, personnel from the DES conducted an inspection of merchandise that you propagated in your store, Pet City, in Seabrook, New Hampshire. The purpose of this inspection was to determine compliance with RSA 487:16-a, the Exotic Aquatic Weed Prohibition.

During the site inspection the following deficiencies were noted:

1. *Egeria densa*, commonly referred to as Brazilian elodea or *Anacharis*, was being propagated in one of your aquarium tanks.

Compliance with the cited deficiencies can be achieved by immediately destroying all plants of these species. Appropriate means of disposal include burning, land filling, disposing in a trash container, desiccating, and composting, if applied away from any surface waters.

A report outlining how compliance will be achieved with the above cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. Also, to avoid future problems with the distribution of prohibited aquatic plants, we request that you provide DES with the distributor contact information. DES will promptly send this company a copy of the New Hampshire laws and rules concerning the distribution of prohibited exotic aquatic plants.

In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 487:7. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Enclosed, for your information, are fact sheets detailing the legislation, and a list of prohibited exotic aquatic plants. If you have any questions, please contact Amy Smagula at (603) 271-2248 or asmagula@des.state.nh.us.

Sincerely,


Jody Connor
Limnology Center Director

Certified Mail
Enclosures

cc: Gretchen Hamel, DES Enforcement Unit
DES Exotic Species Program-DES